

HANSON BRIDGETT LLP  
SANDRA L. RAPPAPORT - 172990  
[srappaport@hansonbridgett.com](mailto:srappaport@hansonbridgett.com)  
JAHMAL T. DAVIS - 191504  
[jdavis@hansonbridgett.com](mailto:jdavis@hansonbridgett.com)  
425 Market Street, 26th Floor  
San Francisco, CA 94105  
Telephone: (415) 777-3200  
Facsimile: (415) 541-9366

Attorneys for Defendants  
AMRAT PATEL, RAMILA PATEL, SBS HOSPITALITY,  
INC., and SEA CLIFF MOTOR INN

MCCORMACK LAW FIRM  
Bryan J. McCormack  
[bryan@mccormacklawfirm.com](mailto:bryan@mccormacklawfirm.com)  
120 Montgomery Street, Suite 1600  
San Francisco, CA 94104  
Telephone: (415) 440-6662  
Facsimile: (415) 776-5687

Attorney for Plaintiffs  
FAROOQ KUNDIWALA and ZAREEN KUNDIWALA

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

FAROOQ KUNDIWALA and ZAREEN  
KUNDIWALA, husband and wife,

Plaintiffs,

v.

AMRAT PATEL and RAMILA PATEL,  
husband and wife, SBS HOSPITALITY,  
INC., a California corporation, SEA  
CLIFF MOTOR INN, a partnership,

Defendants.

**No. CV 08-01436 JSW**

**JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT**

---

Date: July 18, 2008  
Time: 1:30 p.m.  
Courtroom: 2  
Judge: Jeffrey S. White

1 Pursuant to Civil L.R. 16-9(a), the parties to the above-entitled action certify that  
2 they met and conferred prior to the case management conference scheduled in this case  
3 and jointly submit this Case Management Statement.

4 1. Jurisdiction and Service:

5 The case was initially filed in San Francisco County Superior Court on December  
6 28, 2007 (*San Francisco County Superior Court, Case No. CGC-07-470527*).

7 Defendants thereafter removed the case to this court on federal question grounds as  
8 Plaintiff alleges a claim for violation of the Fair Labor Standards Act 29 U.S.C. Section  
9 201. The Parties hereby submit to the jurisdiction of this Court

10 All parties have been served in this action.

11 2. Disputed Factual Issues:

12 **Plaintiffs:** Plaintiffs were non-exempt hotel employees employed by  
13 Defendants. Although Plaintiffs worked more than eight hours per day and 40 hours per  
14 week, Defendants failed to pay them overtime compensation. Defendants also failed to  
15 keep track of the hours worked by plaintiff.

16 **Defendants:** Defendants hired Plaintiffs as residential managers of  
17 Defendants' Days Inn Hotel. Plaintiffs resided on the hotel premises and were paid a  
18 salary to perform the normal duties of resident managers. During slow periods and  
19 times where no work was required, Plaintiffs were free to engage in personal activities  
20 such as eating, sleeping, entertaining guests, watching television, and even leaving the  
21 premises to tend to their own needs or pleasures. Plaintiffs were employed from 2002  
22 through July 31, 2007. Plaintiffs' job duties did not require that they work eight-hour  
23 days. In fact, their duties required so little time that both of their duties are presently  
24 handled by a single person. Plaintiffs did not work overtime and are not entitled to any  
25 damages in this action.

26 ///

27 ///

28 ///

1           3. Legal Issues Raised by Plaintiff:

2           Plaintiffs raise the following legal theories: (1) Violation of the Fair Labor  
3 Standards Act, claiming entitlement to liquidated damages for failure to pay overtime; (2)  
4 Failure to pay overtime in violation of the California Labor Code; (3) Violation of Labor  
5 Code Section 215, claiming entitlement to waiting time penalties; (4) Violation of Labor  
6 Code Section 226, alleging that Defendants failed to provide Plaintiffs with proper wage  
7 statements; and (5) Unfair and unlawful business practices in violation of Business and  
8 Professions Code section 17200.

9           4. Motions:

10          Defendants anticipate filing a motion for summary judgment.

11          5. Amendment of Pleadings:

12          Plaintiffs filed their First Amended Complaint on February 1, 2008, prior to  
13 Defendants' Notice of Removal of this action. No further amendments are anticipated.

14          6. Evidence Preservation:

15          Both parties have met and conferred and confirmed the preservation of all  
16 electronic and other evidence.

17          7. Disclosures:

18          The parties engaged in an initial meet-and-confer pursuant to Federal Rule of  
19 Civil Procedure 26(f) on or about April 25, 2008. The parties exchanged initial  
20 disclosures pursuant to Rule 26(a)(1) on May 29, 2008.

21          8. Discovery:

22          Both parties have propounded and responded to one set of document requests.  
23 Defendants took one day of deposition testimony from each of the Plaintiffs and have  
24 reserved the right to complete the depositions in the event the case does not settle  
25 through the Court's alternative dispute resolution procedures.

26          9. Class Actions:

27          Not applicable.

28          ///

10. Related Cases:

There are no related pending cases or proceedings.

11. Relief Sought By Plaintiff:

Plaintiffs are seeking damages for unpaid overtime compensation, wage related penalties, attorney fees and costs.

Relief Sought By Defendants:

Defendants contend that Plaintiffs are not entitled to any damages. Defendants further contend that they are entitled to reimbursement and a setoff of amounts that reflect losses and cash shortages that Defendants suffered as a result of Plaintiffs' willful and dishonest conduct.

12. Settlement and ADR:

On July 1, 2008, the Court ordered that ADR be completed by September 29, 2008.

13. Consent to Magistrate Judge For All Purposes:

Defendants do not consent to have a magistrate judge conduct all further proceedings.

14. Other References:

The case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues:

The parties have not yet been able to agree on issues that can be narrowed for trial. However, both parties remain open, and will endeavor during the course of discovery to identify any such issues or facts that can be narrowed.

16. Expedited Schedule:

This is not the type of case that can be handled on an expedited basis.

17. Scheduling:

Defendants are not available for trial on the following dates: December 22, 2008 - January 22, 2009; April 6-30, 2009; and May 8-29, 2009.

1 Plaintiffs are not available for trial on the following dates: February 9-13, 2009;  
2 March 23-27, 2009.

3 Based on the foregoing, the parties propose the following trial schedule:

4 Expert Designation Deadline: December 5, 2008

5 Discovery Cutoff: January 9, 2009

6 Deadline to hear dispositive motions: January 9, 2009

7 Expert Discovery Cutoff: February 9, 2009

8 Pre-Trial Conference: February 23, 2009

9 Trial Date: March 9, 2009

10 18. Trial:

11 The case will be tried to a jury. The expected length of trial is 7 days.

12 19. Disclosure of Non-party Interested Entities or Persons:

13 The Parties are not aware of any non-party interested entities or persons.

14 20. Such other matters as may facilitate the just, speedy and inexpensive  
15 disposition of this matter.

16 DATED: July 11, 2008

HANSON BRIDGETT LLP

18 By: /s/ Jahmal T. Davis

19 JAHMAL T. DAVIS

20 SANDRA L. RAPPAPORT

21 Attorneys for Defendants

22 AMRAT PATEL, RAMILA PATEL, SBS

HOSPITALITY, INC., and SEA CLIFF

MOTOR INN

23 MCCORMACK LAW FIRM

24 DATED: July 11, 2008

25 By: /s/ Bryan J. McCormack

26 BRYAN J. MCCORMACK

27 Attorneys for Plaintiffs

28 FAROOQ KUNDIWALA and ZAREEN

KUNDIWALA